



Certificated Personnel

Temporary/Substitute Personnel

Classification:

The district may employ substitute or temporary certificated personnel in accordance with law.

At the time of initial employment during each academic year, new certificated employees shall receive a written statement indicating their employment status and salary. For temporary and substitute employees, the statement of employment shall clearly indicate the temporary nature of employment and the length of time for which the person is being employed. (Education Code 44916)

Suitable programs for training, assigning, orienting and evaluating the work of substitute or temporary teachers shall be provided by the certificated staff under the superintendent's direction.

(cf. 4313-Classification/Assignments)

Granting Probationary Status:

Unless released from employment pursuant to Education Code 44954, any temporary employee or long-term substitute who was employed for one complete school year and who is reemployed for the following school year in a vacant position requiring certification qualifications shall be classified as a probationary employee. (Education Code 44917 and 44920)

With the exception of on-call, day-to-day substitutes any substitute or temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the school year shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year. (Education Code 44918)

Temporary employees hired to teach temporary classes or perform other certificated duties on a day-to-day basis that will not last more than the first three months of any school term shall be classified as probationary employees if the duties continue beyond the first three school months. (Education Code 44919)

Temporary employees hired to teach special day and evening classes for adults or in schools or migratory populations shall be classified as probationary employees if the duties continue beyond the first four school months of any school term. (Education Code 44919)



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Temporary employees hired to teach the first semester only due to anticipated reduction in student enrollment due to midyear graduations shall be classified as probationary employees for the entire school year if the employment continues beyond the first semester. (Education Code 44921)

Release from Employment/Dismissal:

The board may release substitute or temporary employees from employment:

1. At the pleasure of the board prior to their serving 75 percent of the days that regular district schools are maintained during one school year, or;
2. After serving at least 75 percent of the days that regular district schools are maintained during one school year, provided the employee is notified before the end of the school year of the district's decision not to reelect him/her for the following school year. (Education Code 44953, 44954)

Reemployment Rights:

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who served at least 75 percent of the previous school year and who was not released prior to the end of the school year shall be reemployed to fill any vacant positions in the district. (Education Code 44918)

With the exception of on-call, day-to-day substitutes, temporary or substitute employees who were released pursuant to Education Code 44954 but who have nevertheless served as a temporary or substitute employee two consecutive years performing duties normally required of a certificated employee for at least 75 percent of each year shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

Salary/Benefits:

The governing board shall adopt and make public the rates of compensation for substitute certificated staff. (Education Code 44977 and 45030)



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Substitute teachers shall not participate in the health and welfare plans or other fringe benefits of the district.

In order to be compensated for substitute services by the district, a job number must be obtained through the district substitute employee management system. Should there be no job number, payment of a substitute will be the responsibility of the site.

Substitute Teacher Pool:

The superintendent or designee shall develop a pool of qualified substitute teachers for emergency situations. He/she shall provide public notice of the basic skills proficiency test requirements and the dates and locations of test administration. Individuals who are known to be qualified as substitutes in other respects shall be encouraged to take the state basic skills proficiency test at its earliest administration. (Education Code 44830)

Legal Reference on next page



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EDUCATION CODE

23919 Retirant employed as substitute teacher

44252.5 State basic skills assessment required for certificated personnel

44300 Emergency teaching or specialist permits

44830 Employment of certificated persons, requirements of proficiency in basic skills

44839.5 Employment of retirant

44914 Substitute and probationary employment in computation for classification as permanent employee

44916 Time of classification: statement of employment status

44917 Classification of substitute employees; temporary employment deemed probationary employment

44918 Substitute or temporary employee deemed probationary employee; reemployment rights

44919 Classification of temporary employees

44929 Employment of certain temporary employees; classifications

44921 Employment of temporary employees; reemployment rights (unified and high school districts)

44953 Dismissal of substitute employees

44954 Release of temporary employee

44956-44957 Rights of laid-off teachers to substitute positions

45030 Substitutes

45041 Computation of salary

45042 Alternative method of computation for less than one school year

45043 Compensation for employment beginning in the second

CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired person

5503 Physical examination for employment of retired persons

Replaces BP 4121 (10/90)